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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Clarence A. Branch, 3rd,

Plaintiff

v.

United States of America, Director of  
Commerce, et al.,

Defendants

Case No. 2:18-cv-00401-JAD-BNW

**Order Adopting Report and  
Recommendation and Dismissing Case**

[ECF No. 6]

On February 11, 2020, the magistrate judge recommended that I dismiss this case because plaintiff failed to file an amended complaint by the December 20, 2019, amendment deadline he was given, leaving no active claims pending and suggesting that he has abandoned this case.<sup>1</sup> The deadline for objections to that recommendation passed without objection or any request to extend the deadline to file one. “[N]o review is required of a magistrate judge’s report and recommendation unless objections are filed.”<sup>2</sup>

A court may dismiss an action based on a party’s failure to prosecute his case or obey a court order.<sup>3</sup> In determining whether to dismiss an action on one of these grounds, the court must consider: (1) the public’s interest in expeditious resolution of litigation; (2) the court’s need

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<sup>1</sup> ECF No. 6.

<sup>2</sup> *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

<sup>3</sup> *See Ghazali v. Moran*, 46 F.3d 52, 53–54 (9th Cir. 1995) (dismissal for noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260–61 (9th Cir. 1992) (dismissal for failure to comply with an order requiring amendment of complaint); *Carey v. King*, 856 F.2d 1439, 1440–41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring *pro se* plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of prosecution and failure to comply with local rules).

1 to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring  
2 disposition of cases on their merits; and (5) the availability of less drastic alternatives.<sup>4</sup>

3 The first two factors, the public's interest in expeditiously resolving this litigation and the  
4 court's interest in managing its docket, weigh in favor of dismissal. The third factor, risk of  
5 prejudice to defendants, also weighs in favor of dismissal because a presumption of injury arises  
6 from the occurrence of unreasonable delay in filing a pleading ordered by the court or  
7 prosecuting an action.<sup>5</sup> The fourth factor—the public policy favoring disposition of cases on  
8 their merits—is greatly outweighed by the factors favoring dismissal.

9 Accordingly, IT IS HEREBY ORDERED that the magistrate judge's report and  
10 recommendation **[ECF No. 6] is ADOPTED** in full;

11 IT IS FURTHER ORDERED THAT **this case is dismissed**. The Clerk of Court is  
12 directed to ENTER JUDGMENT ACCORDINGLY and CLOSE THIS CASE.

13 Dated: March 2, 2020

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16 U.S. District Judge Jennifer A. Dorsey  
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22 <sup>4</sup> *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423–24; *Malone*, 833 F.2d at 130;  
23 *Ferdik*, 963 F.2d at 1260–61; *Ghazali*, 46 F.3d at 53.

<sup>5</sup> See *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976).